

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRUSTEES FOR THE MASON TENDERS :
DISTRICT COUNCIL WELFARE FUND, PENSION : 22 Civ. 10824 (LGS)
FUND, ANNUITY FUND AND TRAINING :
PROGRAM FUND, et al., : ORDER
Petitioners, :
: -against- :
: :
HILT CONSTRUCTION, INC., :
Respondent. :
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on December 22, 2022, Petitioners filed the Petition to Confirm Arbitration. On December 23, 2022, electronic summonses were issued as to Respondent. On March 31, 2023, Petitioners filed proof of service on the docket. Service was completed in person on January 17, 2023. On April 3, 2023, Petitioners filed further proof of service via U.S.P.S. on the docket.

WHEREAS, Respondent has not appeared.

WHEREAS, “default judgments in confirmation/vacatur proceedings are generally inappropriate.” *D.H. Blair & Co., Inc. v. Gottdiener*, 462 F.3d 95, 109 (2d Cir. 2006). Instead, a district court should treat an unanswered petition to confirm or vacate an arbitration award “as an unopposed motion for summary judgment.” *Id.* at 110; *accord Carroll v. Wells Fargo Clearing Servs., LLC*, No. 20 Civ. 4918, 2021 WL 634721, at *2 (S.D.N.Y. Feb. 17, 2021). It is hereby

ORDERED that the Petition will be treated as an unopposed motion for summary judgment. Petitioners shall file any further documentation in support of the Petition -- including the Declaration of Haluk Savci, which is not on ECF but is referred to at Dkt. No. 9 -- no later than **April 21, 2023**.

Dated: April 18, 2023
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE